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Docket PHO-120

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Dees et al.

Serial No.: 09/817,448

Filed: March 26, 2001

For: Intracorporeal Medicaments For High
Energy Phototherapeutic Treatment
Of Disease

Examiner: G. Gabel

Art Unit: 1641

I hereby certify that this correspondence is being
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February 23 2006

(Date of Deposit)

Shannon Wallace

Name of applicant, assignee, or Registered Rep.

Shannon Wallace

Signature

2/23/06

Date

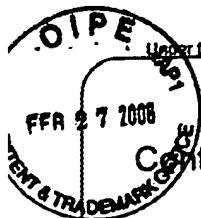
AMENDMENT E (AFTER FINAL)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Final Rejection dated August 25, 2005, a RCE and a three month extension
being submitted herewith, please amend the above-identified application as follows.

Code: 1201
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PTO/SB/30 (04-05)

Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**Request
for
Continued Examination (RCE)
Transmittal**Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/817,448
Filing Date	March 26, 2001
First Named Inventor	Dees
Art Unit	1641
Examiner Name	G. Gabel
Attorney Docket Number	PHO-120

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☒ other Extension of Time

2. **Miscellaneous**

Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for

a. ☐ period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.1 7(i) required)

b. ☐ Other _____

3. **Fees**

The RCE fee under 37 CFR 1.1 7(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees any underpayment of fees or credit any overpayments to

a. ☒ Deposit Account No. 50/1039

I have enclosed a duplicate copy of this sheet.

i. ☐ RCE fee required under 37 CFR 1.1 7(e)

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ii. ☐ Extension of time fee (37 CFR 1.1 36 and 1.17)

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iii. ☒ Other Any deficiency in fees

b. ☒ Check in the amount of \$ 1,810.00

enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Mark J. Murphy</i>	Date	<i>February 23, 2006</i>
Name (Print/Type)	Mark J. Murphy	Registration No.	34,225

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature *Shannon Wallace*

Name (Print/Type) Shannon Wallace

Date *2/23/06*

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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